

Message Text

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73

ACTION ARA-20

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03

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R 251820Z JUL 74

FM AMEMBASSY MANAGUA

TO SECSTATE WASHDC 4689

INFO AMEMBASSY GUATEMALA

AMEMBASSY SAN SALVADOR

AMEMBASSY SAN JOSE

AMEMBASSY TEGUCIGALPA

USCINCSO

C O N F I D E N T I A L MANAGUA 2918

USCINCSO FOR POLAD

E.O. 11652: GDS

TAGS: PGOV, PINT, NU

SUBJECT: ELECTIONS 1974: OPPOSITION ATTACKS ON ANOTHER FRONT

REF: MANAGUA 2580 AND MANAGUA 2917

1. THE NINE OPPOSITION GROUPS WHOSE LEADERS ARE UNDERGOING CRIMINAL PROSECUTION BY THE GON FOR ADVOCATING ABSTENTION (AS REPORTED REFTELS) OPENED A NEW FRONT IN THEIR CAMPAIGN TO DISCREDIT THE UPCOMING ELECTION. ON JULY 20 ONE LEADER FROM EACH OF THE NINE GROUPS, ALL OF WHOM HAVE ALREADY BEEN CHARGED FOR SIGNING THE JUNE 26 ABSTENTION (NO HAY POR QUIEN VOTAR) DECLARATION, PRESENTED A PETITION TO THE SUPREME ELECTORAL TRIBUNAL ASKING THAT BOTH GENERAL ANASTASIO SOMOZA AND EDMUNDO PAGUAGA BE DISQUALIFIED AS PRESIDENTIAL CANDIDATES. THE PETITION IS IN THE FORM OF A DETAILED LEGAL BRIEF PROBABLY PREPARED AS A JOINT EFFORT BY THE LARGE GROUP OF LAWYERS WORKING ON THE LEGAL OFFENSIVE AGAINST THE ELECTIONS. AMONG THOSE SIGNING ARE RAMIRO SACASA, PEDRO JOAQUIN CHAMORRO AND MANOLO MORALES ALONG WITH

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COMMUNIST PARTY (PSN) LEADER LUIS SANCHEZ SANCHO.

2. THE LENGTHY AND RATHER COMPLICATED BRIEF CITES CONSTITUTIONAL GROUNDS FOR DISQUALIFYING BOTH CANDIDATES. IT ARGUES THAT THE GENERAL, DESPITE THE "INTERREGNUM" PERIOD OF THE NATIONAL GOVERNING COUNCIL AS THE EXECUTIVE POWER, IS SEEKING TO SUCCEED HIMSELF AS PRESIDENT WHICH IS PROHIBITED BY BOTH THE 1950 CONSTITUTION AND THE NEW CONSTITUTION WHICH BECAME EFFECTIVE APRIL 24, 1974. THE BRIEF DISCOUNTS AS UNCONSTITUTIONAL THE DECREE OF SEPTEMBER 3, 1971 WHICH INCLUDED A SUSPENSION OF THE NO SUCCESSION PROVISION OF THE CONSTITUTION CONTENDING THAT THIS DECREE DID NOT MEET THE REQUIREMENTS FOR THE CONGRESS TO AMEND THE CONSTITUTION. THE BRIEF ALSO FINDS THE GENERAL'S CANDIDACY IN VIOLATION OF THE CONSTITUTIONAL PROHIBITION AGAINST CANDIDATES FOR POLITICAL OFFICE BEING MEMBERS OF THE ARMED FORCES, ASSERTING THAT SOMOZA'S APERMISADO (RELIEVED FROM ACTIVE DUTY) STATUS (MANAGUA A-21 OF MAR 7, 74) IN THE NATIONAL GUARD IS A THIN VEIL FOR HIS CONTINUING ON ACTIVE DUTY.

3. EDMUNDO PAGUAGA'S CANDIDACY IS ATTACKED ON THE GROUNDS THAT HE LIKE GENERAL SOMOZA IS IN EFFECT A CANDIDATE TO SUCCEED HIMSELF IN THE EXECUTIVE POWER.

4. ON JULY 22, SOMOZA OWNED NEWSPAPER NOVEDADES CARRIED A DETAILED REBUTTAL OF THE PETITION'S CONTENTION REGARDING THE GENERAL'S MILITARY STATUS ARGUING THAT THE APERMISADO DESIGNATION IS AN ACCEPTED PRACTICE. THIS COUNTER-BRIEF WHICH QUOTES SPANISH AND ARGENTINE MILITARY WORKS TO SUPPORT ITS CASE WAS WRITTEN BY A CIVILIAN LAWYER EMPLOYED BY THE NATIONAL GUARD OFFICE OF LAWS AND PUBLIC RELATIONS (G-5). THE NEXT DAY THE SUPREME ELECTORAL TRIBUNAL UNANIMOUSLY RULED THAT THE PETITION "HAD NO LEGAL FOUNDATION AND MUST BE REJECTED AS CONTRARY TO LAW."

5. COMMENT: WHATEVER THE OPPOSITION PETITION'S MERIT OR LACK THEREOF, SINCE THE TRIBUNAL IS COMPOSED OF THREE JUDGES FROM GENERAL SOMOZA'S LIBERAL PARTY AND TWO FROM EDMUNDO PAGUAGA'S CONSERVATIVE PARTY, ITS REJECTION WAS ALMOST A FOREGONE CONCLUSION. THE OPPOSITION LEADERS INVOLVED OBVIOUSLY EXPECTED SUCH A RULING BUT WERE APPARENTLY SEEKING ANOTHER LEGAL FORUM FOR PUBLICIZING THEIR CASE AND FURTHERING THEIR ATTEMPTS TO DISCREDIT THE ELECTION PROCEEDINGS. THEY HAVE CLEARLY BEEN EXPLOITING THE PROSECUTION

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OF THE TWENTY-SEVEN FOR THIS PURPOSE. BY QUESTIONING THE LEGALITY OF THE ELECTIONS, THEY ARE ALSO LAYING THE LEGAL BASIS FOR IMPUGNING THE LEGITIMACY OF THE NEW GOVERNMENT TO BE ELECTED.

(DURING A TELEVISION INTERVIEW ON JULY 23, PEDRO JOAQUIN CHAMORRO MADE IT VERY CLEAR THAT THIS WAS THEIR INTENTION.)

6. THE MANEUVER IS INTERESTING IN THAT IT DEMONSTRATES THAT THIS

COALITION OF DISPARATE OPPOSITION GROUPS CONTINUES TO HOLD TOGETHER AND COORDINATE STRATEGY. THE UNIQUE ALLIANCE OF SOCIAL CHRISTIANS (CHRISTIAN DEMOCRATS), COMMUNISTS AND DISSIDENT CONSERVATIVE AND LIBERAL OPPOSITION LEADERS SUCH AS PEDRO JOAQUIN CHAMORRO AND RAMIRO SACASA IS THEREFORE SHOWING A MEASURE OF RARE COHESION IN CONTRAST TO THE BITTER SQUABBLING WHICH HAS CHARACTERIZED RELATIONS BETWEEN ANTI-SOMOZA POLITICAL FORCES IN RECENT YEARS.

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